

Subject: Rezoning South County Public Facilities- Community Facilities Planned Development

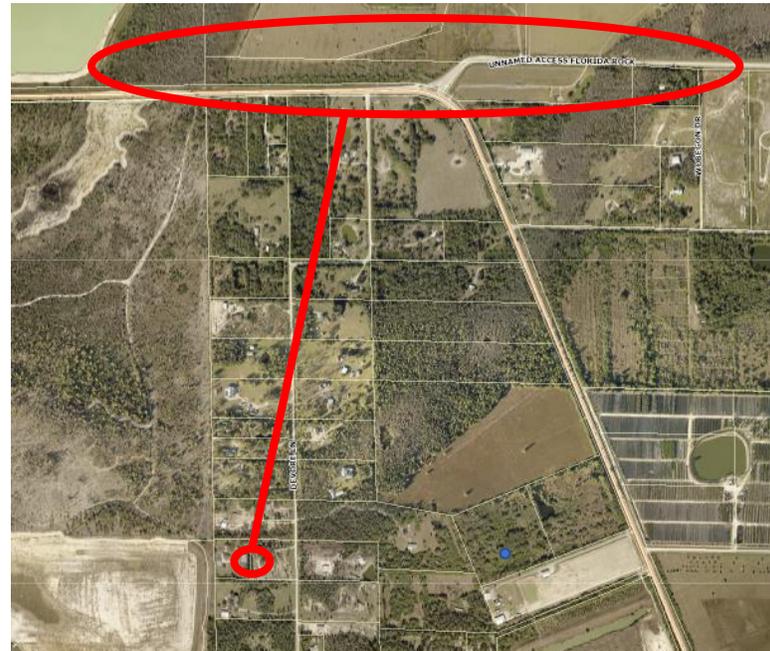
-Marsha Ellis in collaboration with Inner Loop Working Group



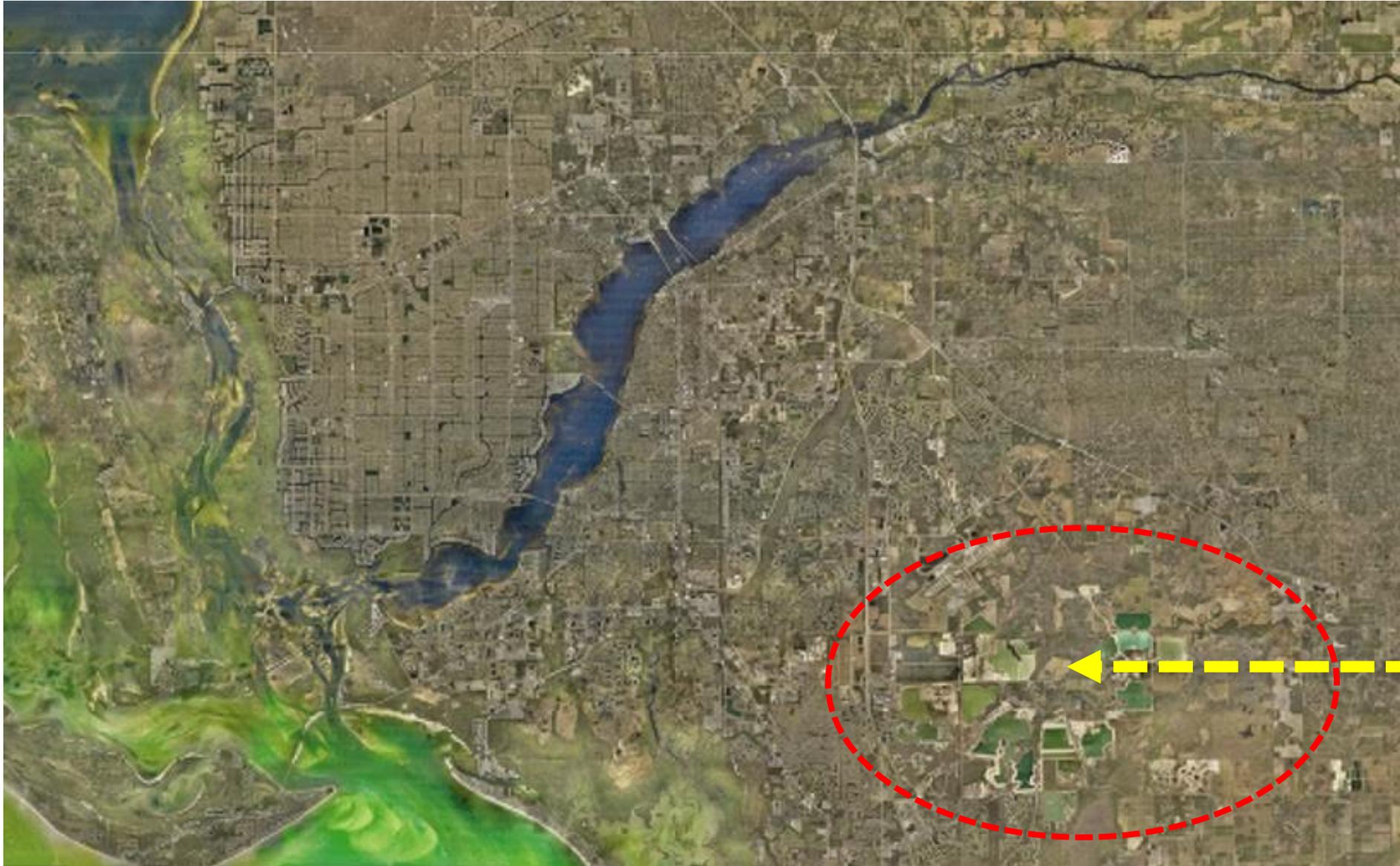
“Inner Loop”
Connected 17 miles for recreation, commute to university



**Subject property,
notice preclusive
surface water
features**



**Proximity of
residence to
subject property**



As viewed from aerial, there is no **LESS suitable site to be selected in Lee County**



Vulnerable naturally occurring and man-made hydrological topography

Inconsistent Vision

- **Wading pond for birds/ Wild Blue preserve**
- **County park with lake**
- **Lake donation to FGCU**
- **Road widening on Alico**
- **20/20 Conservation Land within proximity to many communities & university with potential for access**
- **Corkscrew Road widening**
- **Separate shared use paths on Ben Hill Griffin and Corkscrew**
- **Ignoring EPA guidelines for site selection**
- **Limiting public input**
- **Not communicating to media**
- **Not coordinating with community stakeholders to develop broader “vision” for “Inner Loop”**
- **Violating DR/GR intent**
- **Overburdening long standing community with “cluster zoning”**
- **Swapping 20/20 land without public input**
- **Turning historic flow-ways into “collateral”, negotiated by developers and Community Development**

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Identifying Stakeholders:

Trip Generation Summary

TABLE 3-4: ITE Trip Generation Summary

| | Size (sq. ft.) | ITE Rates/Equations | A.M. Peak Hour | | | P.M. Peak Hour | | | Daily |
|--------------------------------------------------------------------|----------------|----------------------------------------------------|----------------|-----|-------|----------------|-----|-------|-------|
| | | | In | Out | Total | In | Out | Total | |
| Solid Waste Transfer Building | 120,000 | Truck data provided by Lee County Public Utilities | 23 | 22 | 45 | 22 | 23 | 45 | 300 |
| Waste Water Treatment Buildings (LUC 170 - Utility) ⁽¹⁾ | 23,000 | AM: 2.31 | 42 | 11 | 53 | 6 | 27 | 33 | 179 |
| | | PM: $\ln(T) = 0.85\ln(X) + 0.84$ | | | | | | | |
| | | Weekday: $\ln(T) = 0.79\ln(X) + 2.71$ | | | | | | | |
| Estimated Net New Total Trips | | | 65 | 33 | 98 | 28 | 50 | 78 | 479 |

Footnote:
(1) ITE Tech Edition

RECEIVED
APR 12 2019

DCI 2018-10023

COMMUNITY DEVELOPMENT

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Identifying Stakeholders:

3. Vehicular/Pedestrian Impacts

- a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
- b. Prior to development order approval, the existing turn lanes on Alico Road at the intersection of Green Meadow Road must be analyzed for consistency with the design standards of Lee County Administrative Code AC-11-4. If turn lanes are not of sufficient length, the turn lanes must be lengthened.
- c. The existing pavement markings must be re-striped and regulatory signage replaced at the intersection of Alico Road and Green Meadow Road, through the limits of the roadway curve, to improve the visibility and retro reflectivity of the existing signing and pavement marking condition to the satisfaction of the Lee County Department of Transportation Director.



- Turn lanes may be lengthened
- Reflectors
- Stripes
- New signs

Proposed County Changes to Road to protect public from additional 479 heavy trucks added to corridor

Page 2

- d. A street light will be provided to the satisfaction of the Lee County Department of Transportation Director, within the existing Alico Road right-of-way, at the following intersections:
 - Alico Road at Devore Lane
 - Alico Road at North Mallard Lane

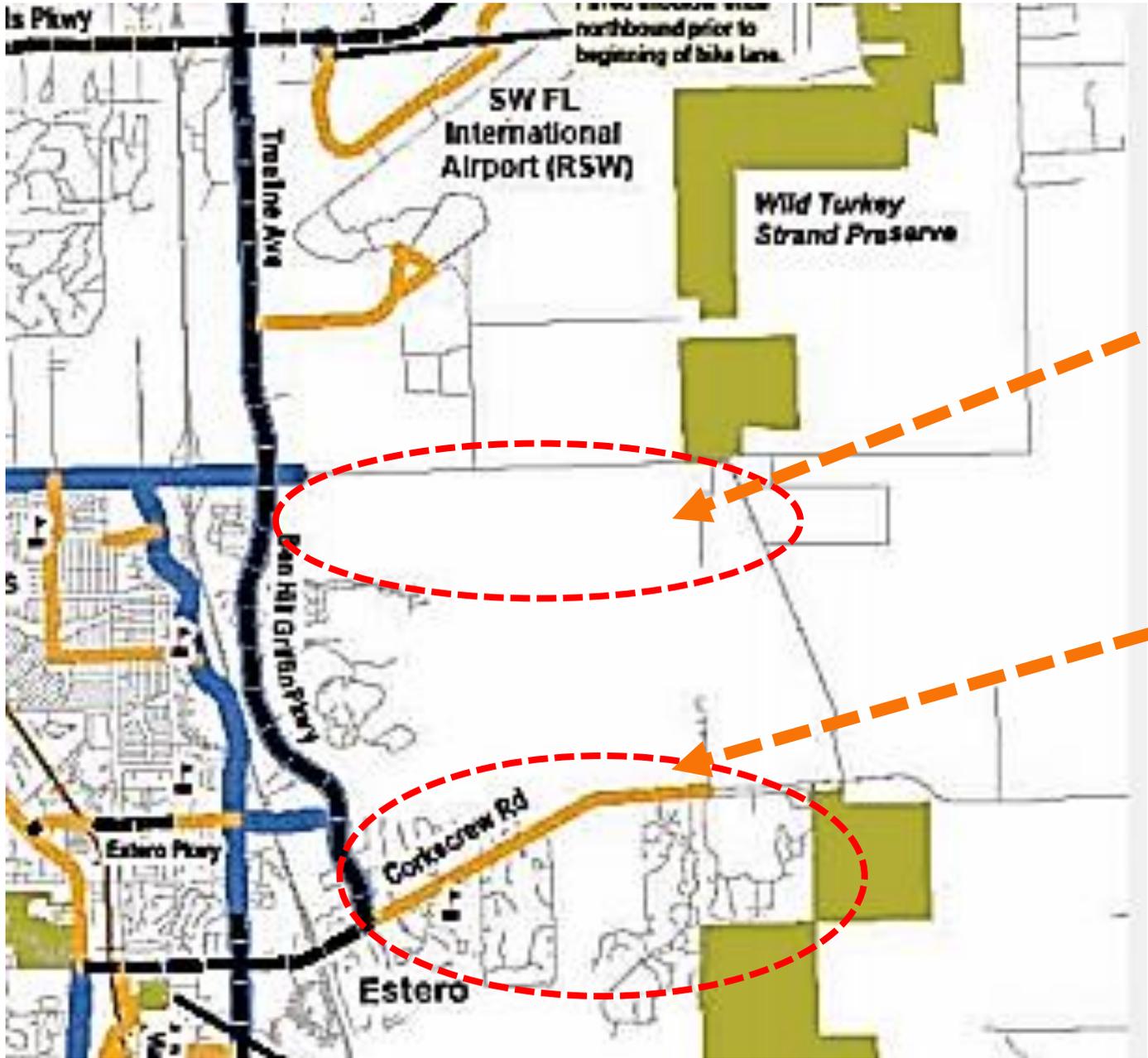


- Street lights added to 2 bus stops

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Identifying Stakeholders:

- **Long standing residents**
- **Residents with existing agrobusinesses, such as horse stables**
- **Proximity property owners, including natural resource industry**
- **Communities using transportation routes including current, proposed and opportunity greenway access (all around “Inner Loop” indicated)**
- **FGCU**
- **Advocacy groups**
- **Permitting agencies and agencies with funding opportunities to support greenways and safe community access to recreation**
- **Parks & Recreation**
- **Lee County School District Transportation**



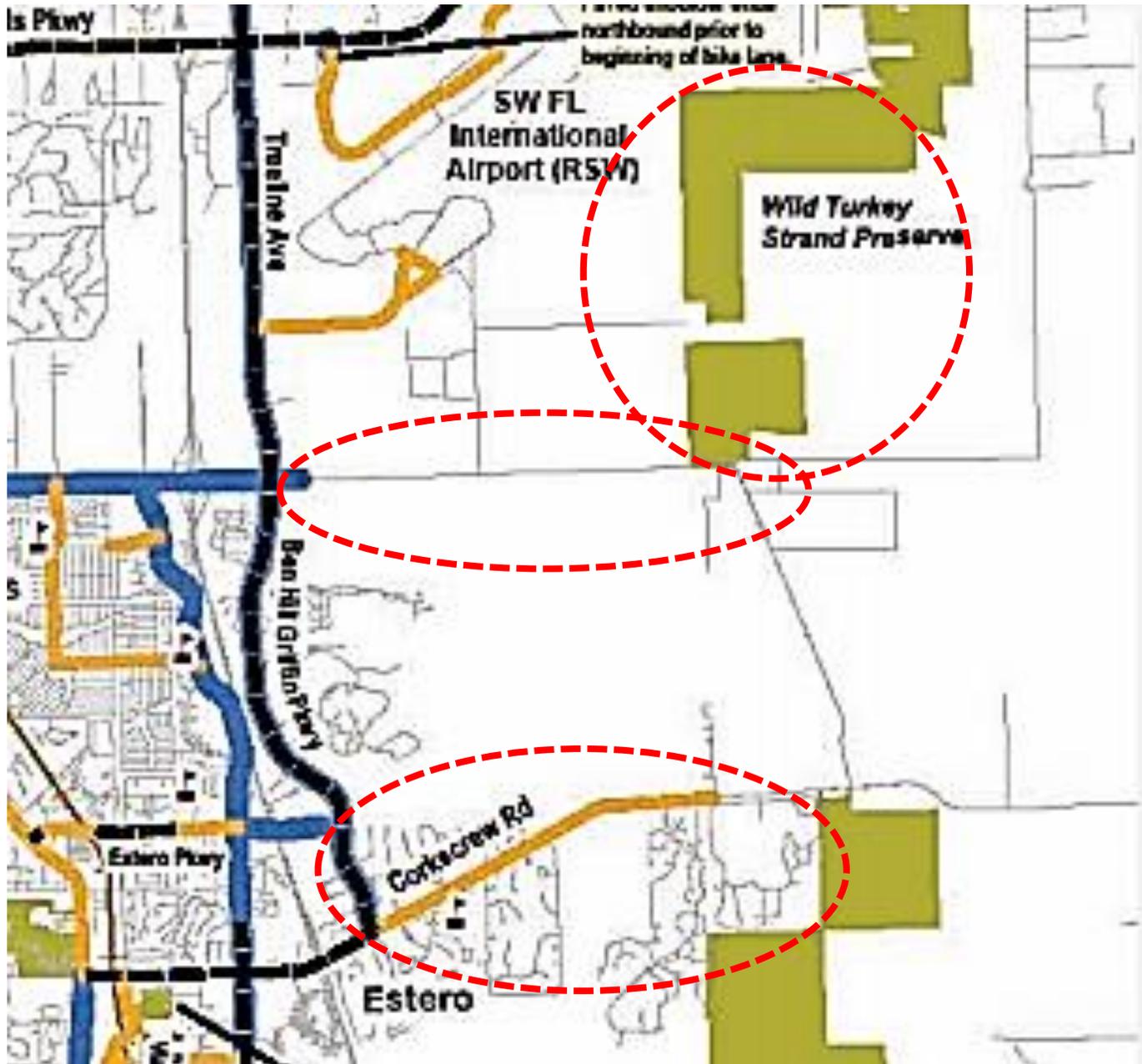
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Ongoing road work Alico Road East, green infrastructure projects by Wild Blue & Lee County, FGCU properties include Emerging Technology Institute

Some separate shared paths currently exist outside communities, such as Corkscrew Preserve, on Corkscrew Road West

Shared Use Path- "A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers and other non-motorized users





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Potential for community access and development of greenway should be left open

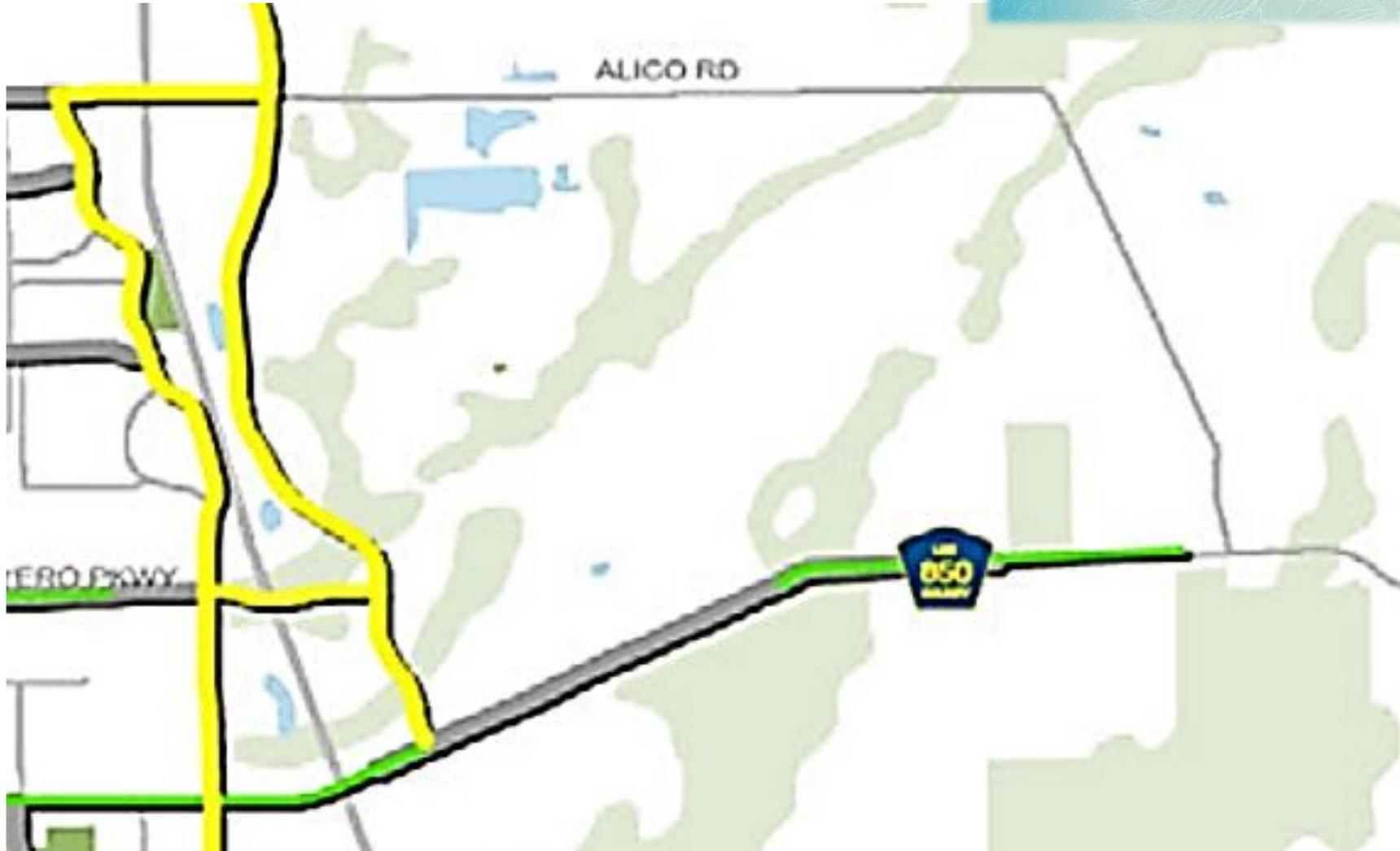
- *Proximity to AG2 zoning and existing, longstanding agrobusiness (horse stables)*
- *Proximity to FGCU*
- *Proximity to many high density communities who want recreational opportunities and safe access*
- *Planned Greenway for Alico West Extension*

Do you enjoy hiking, biking, paddling or horseback riding? **The Office of Greenways and Trails (OGT)**, within the Division of Recreation & Parks, provides statewide leadership and coordination to establish, expand and promote non-motorized trails that make up the Florida Greenways and Trails System, pursuant to the [Florida Greenways and Trails Act \(Ch. 260, Florida Statutes\)](#).

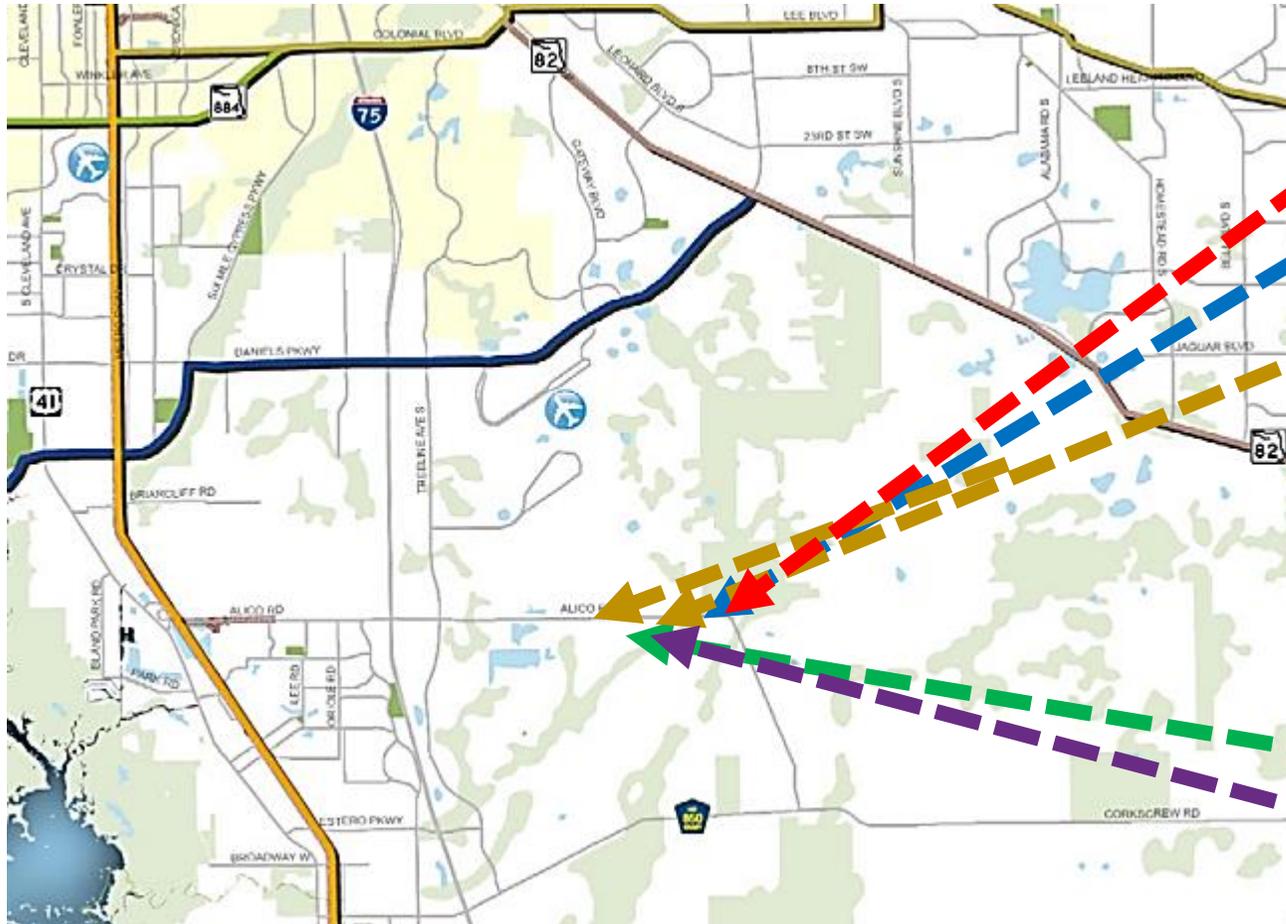
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Bicycle and Pedestrian Element

Adopted: December 2015



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- Subject Property** (Red dashed line)
- Wild Turkey Preserve Access** (Blue dashed line)
- FGCU Lake & Emerging Technology Institute** (Yellow dashed line)
- New County Park** (Green dashed line)
- Wild Blue Reserve & Wading Bird Park** (Purple dashed line)

- Major Roads
- Minor Roads
- Water
- County Parks
- Managed Lands
- City Limits

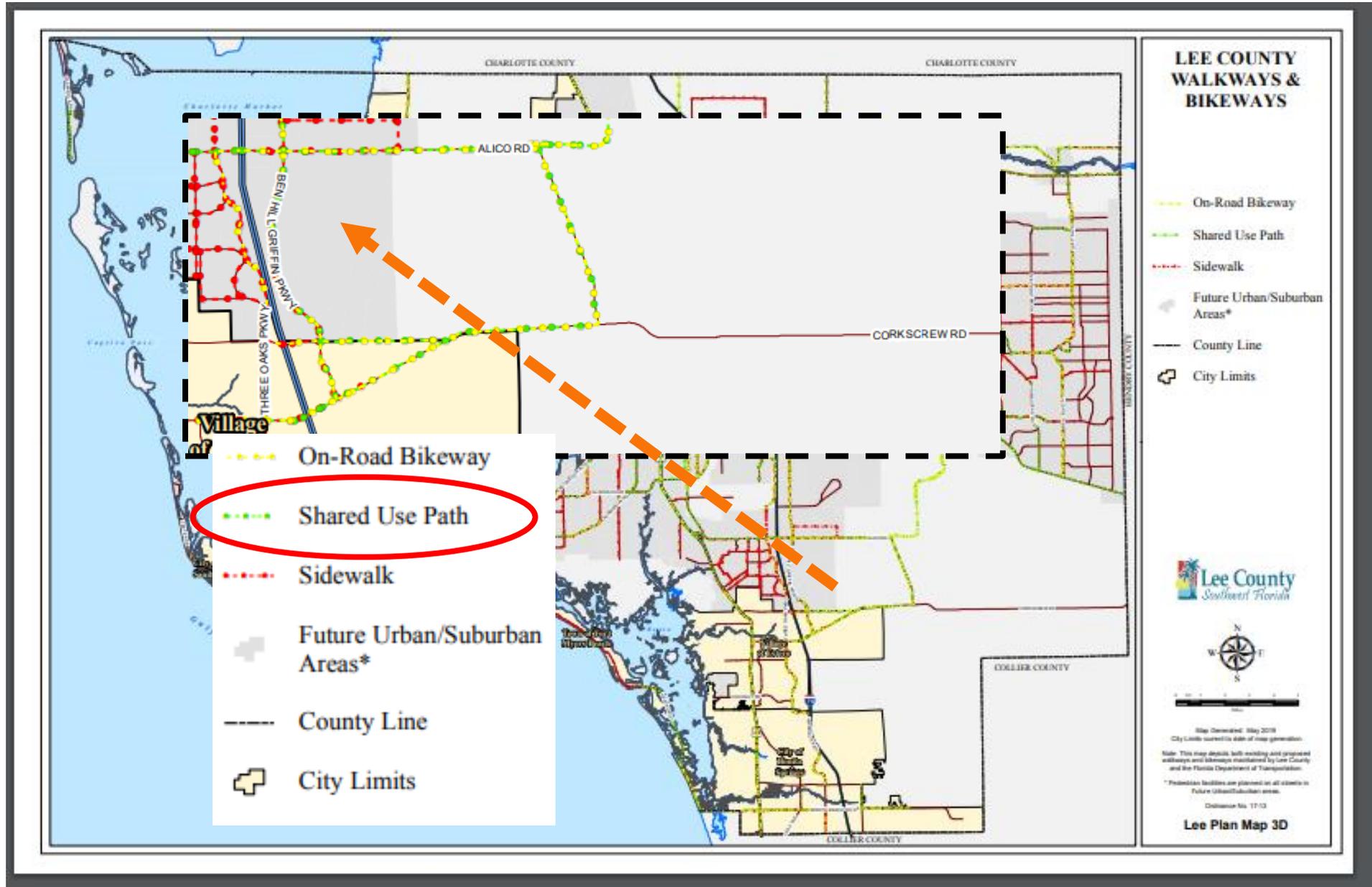
| Parks and Recreation | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------|
| The Lee County MPO and Lee County Department of Parks and Recreation should coordinate to connect on-road bicycle and pedestrian facilities with greenways and trails. | Parks | Ongoing |
| The Lee County MPO and Lee County Department of Parks and Recreation should collaborate to ensure consistency with mapping and wayfinding. | Parks | Ongoing |
| The Lee County MPO and Lee County Department of Parks should collaborate with Healthy Lee to promote active lifestyles. | Parks | Ongoing |

- Land Trail Opportunities**
- Colonial Waterway
 - Able Canal Trail
 - Hendry-Lee Canal Trail Phase 1
 - Immokalee - SR 82 Trail

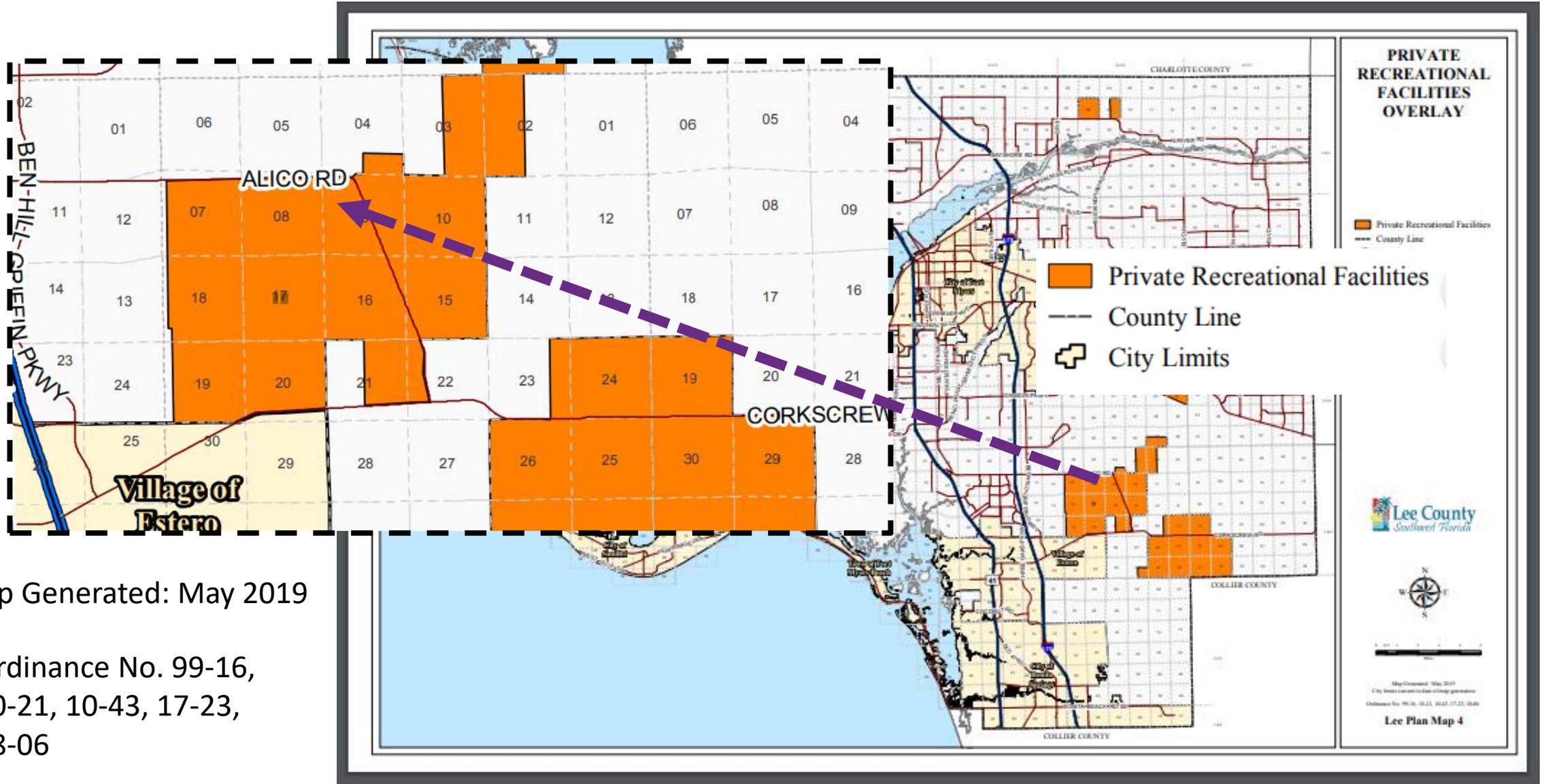
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<https://www.leegov.com/dcd/Documents/Planning/LeePlan/Maps/MAP03D.pdf>

Map Generated: May 2019
Ordinance No. 17-13



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Map Generated: May 2019

Ordinance No. 99-16,
10-21, 10-43, 17-23,
18-06

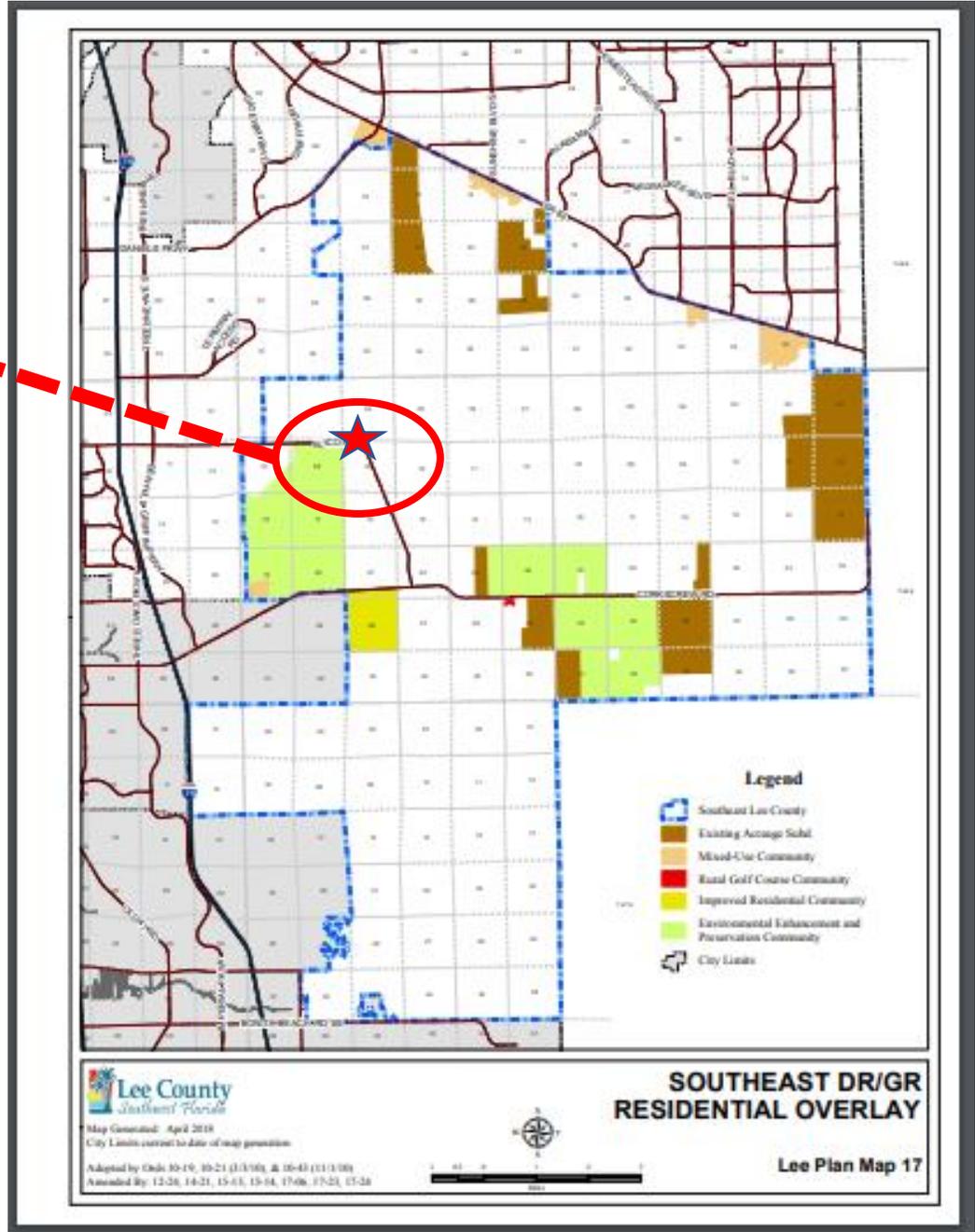
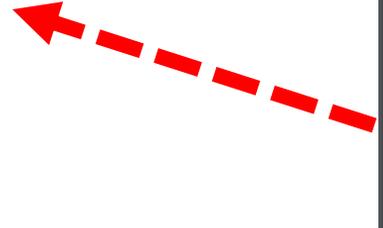
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*Impacted Immediate Neighborhood
and Subject Property*

Legend

-  Southeast Lee County
-  Existing Acreage Subd.
-  Mixed-Use Community
-  Rural Golf Course Community
-  Improved Residential Community
-  Environmental Enhancement and Preservation Community
-  City Limits



Lee County says builder won't get free development work in land swap

[Bill Smith, BSMITH@NEWS-PRESS.COM](mailto:BSMITH@NEWS-PRESS.COM) Published 5:02 p.m. ET Oct. 20, 2017

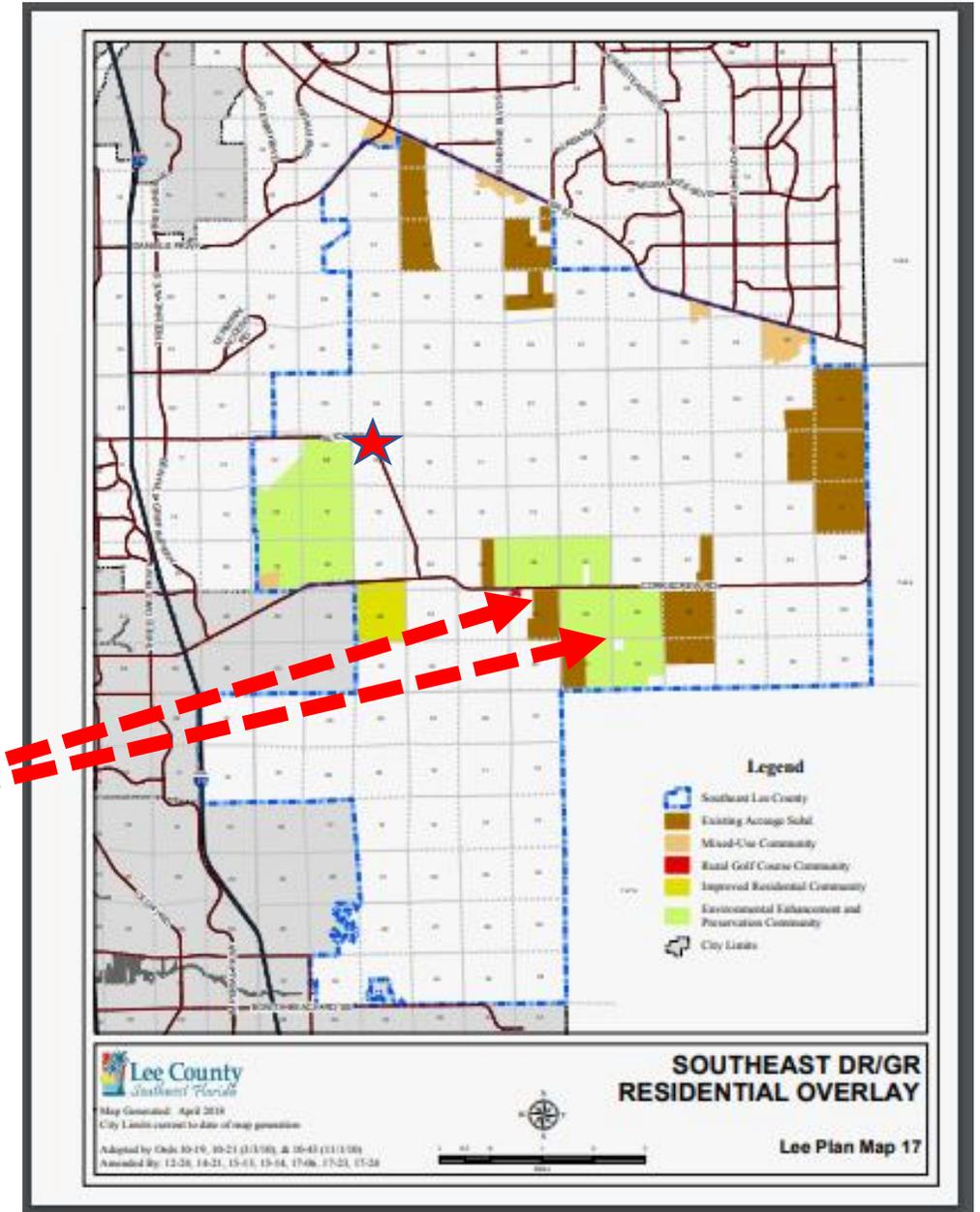
| Updated 7:03 a.m. ET Oct. 22, 2017

Lee County Utilities had controlled the 48-acre parcel fronting on Corkscrew Road. It was traded last week to the 20/20 program, which preserves environmentally significant land. When owned by the utilities agency, the land could have been used for a sewage plant or rubbish transfer station.

County commissioners approved the swap. In exchange, county utilities takes control of what had been 20/20 land at Alico and Corkscrew roads.

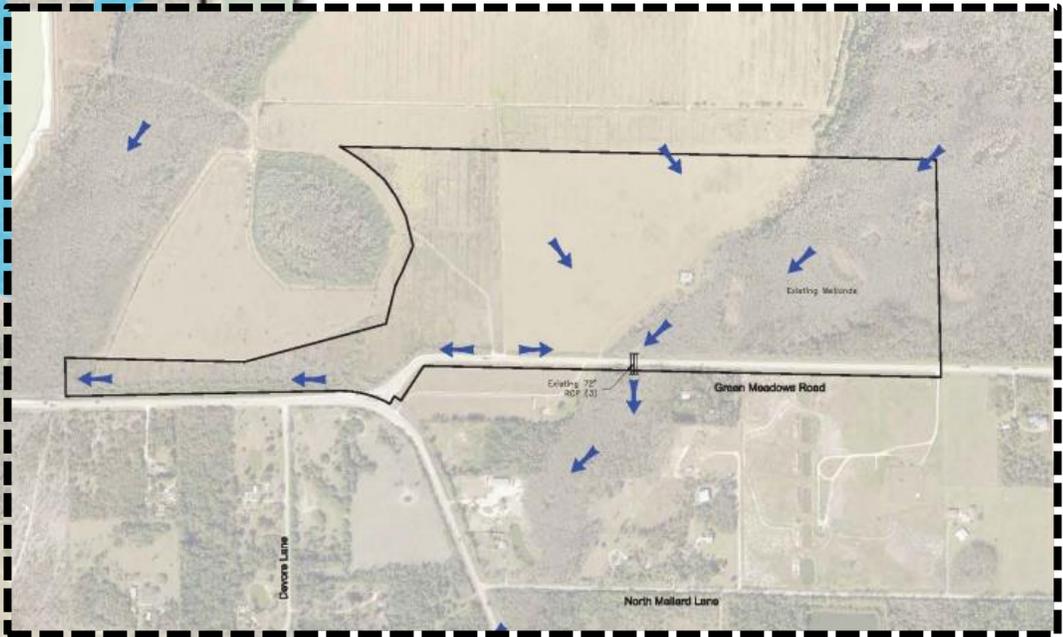
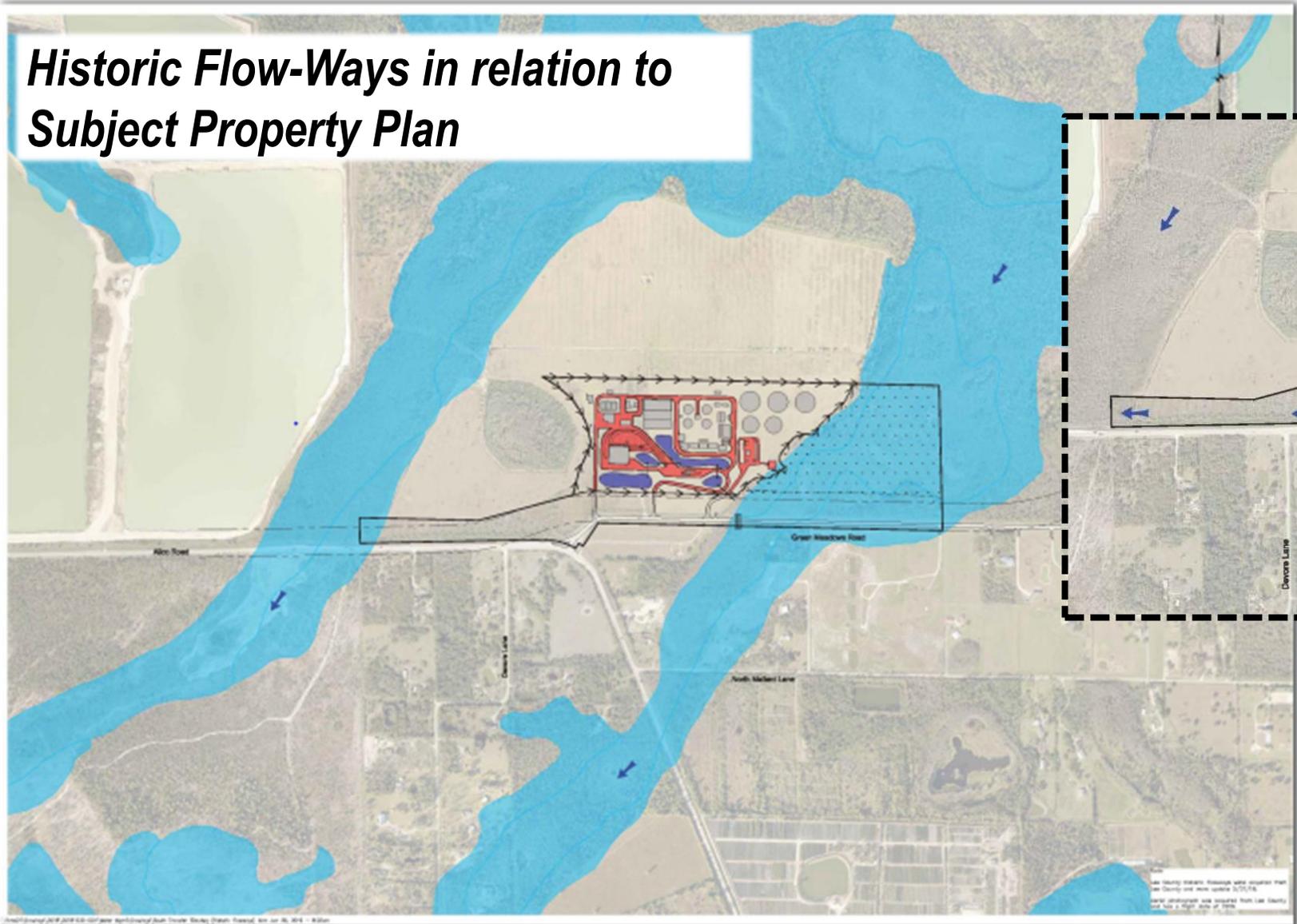
The development firm is committed to \$10 million in environmental enhancements in exchange for zoning changes allowing 1,300 units concentrated on another part of the site and marketed as The Place at Corkscrew.

Putting that property in the conservation program erases the prospect that the developer would be marketing homes next to land that could be used for sewage or trash.



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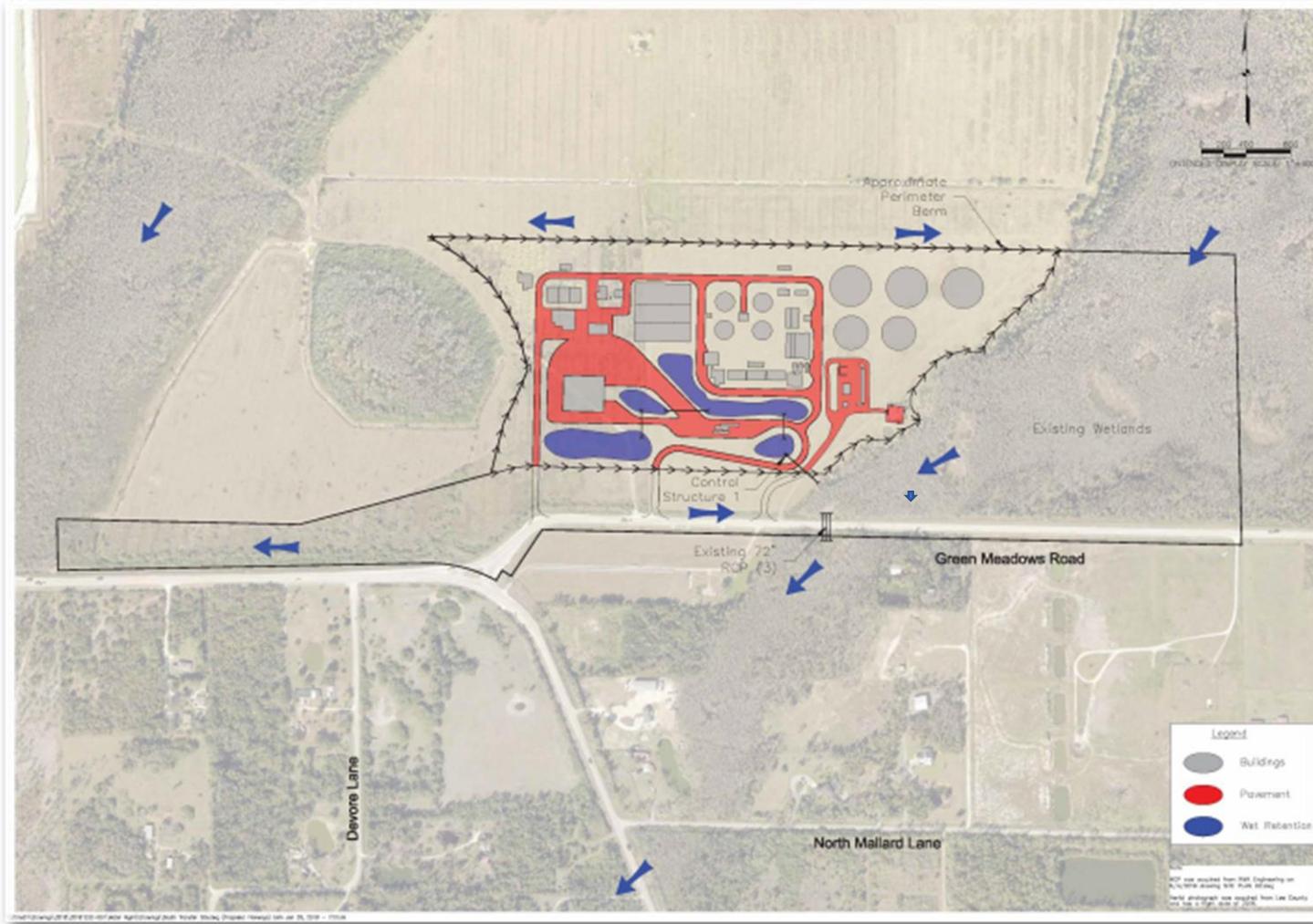
Historic Flow-Ways in relation to Subject Property Plan



Current Flow of Subject Property Presented by Applicant

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Drainage Plan Presented by Applicant



In Attachment I of the South County Community Facilities Planned Development Surface Water Management Plan Tract C: Wetland Preserve Area is identified as an existing historic flow-way. LeePlan Policies 60.5.1, 60.5.2 and 60.5.3 emphasize preserving these flow-ways. Further, the report identifies that the upland areas of the subject property flows half to the north and half to the south. The historic flow-way in the Wetland Preserve Area flows from north-east to south-west as identified by the DR/GR map of flow-ways toward the headwaters of the Estero River. **“To match the historic flow of water, the surface water management system will ultimately outfall into the preserved wetland/flow-way.”**

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Contradicting the Surface Water Management Plan is Attachment H pg. 2 under subheading INDIGENOUS HABITAT: “The proposed project is not impacting the 38.51 acres of potential jurisdictional wetlands and is proposing to impact a small area of potential other surface water that do not have connections with historic flow ways. ”

Residential water use at 17100 Woebegone Drive is provided via a 30 feet shallow well. Wells are in use throughout the residences on Alico Road, Green Meadow, Devore and Mallard Lanes. Additionally, surface waters in these locations are utilized for agricultural use for horses and livestock.

Does the surface water have connections with historic flow-ways or not? Is this plan preserving historic flow? Are the complexities of the hydrological system at this particular site even possible to predict well enough to protect human health or the environment?

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Attachment H drafted by Senior Planner Beth Workman states that the report is written to address a “wastewater treatment plant”. There is **NO** references to the solid waste transfer station in this assessment. Procedurally, it is clear that the considerations specific to solid waste transfer stations were not addressed in this report. Further the characterization of the INDIGINEOUS HABITAT is not aligned with the findings of the Surface Water Plan in relation to connectivity with historical flow-way found in the Wetlands of Tract C.

Additionally, under the INDIGENOUS HABITAT subheading of same report: “The adjacent property to the east has been nominated for Conservation 20/20 and the subject parcel’s preserve area would provide habitat connectivity to public conservation lands that would meet **Lee Plan Policy 114.1.1.**”



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Nominated Land for 20/20 referenced in Attachment H (adjacent to East).

No connectivity in this updated aerial photo. The only connectivity is on Subject Property slotted for rezoning which follows the historic flow-way. Aerial in original proposal is out of date and misrepresentative.

| STRAP | Folio | Owner Name | Site Address | Last Trans. Date | Last Trans. Amt | Just Value | Taxable Value |
|------------------------|----------|-------------------------|------------------------------------|------------------|-----------------|--------------|---------------|
| 03-46-26-00-00001.0000 | 10351495 | FLA ROCK PROPERTIES INC | 18790 GREEN MEADOW RD, FORT MYE... | 4-1986 | \$ 1,493,200 | \$ 1,121,930 | \$ 318,252 |

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On page 2 of 9 of the Zoning Staff Report, “This property(to the North) is now under a conservation easement, and will not likely be subject to future development. Conservation easements are binding even when property changes hands according to the EPA website and signage on the property that states that EPA should be contacted of changes affecting the easement. “Likely be subject to further development” is no assurance and further clarification regarding this statement is requested. There is an existing conservation easement and signage located on Tract C.

Also, in reference to the property to the East of the proposed development, similar language is used, “These properties are part of a mining operation, but are under a conservation easement and will not likely be subject for further development.” Again, assurance and further clarification is requested concerning these conservation easements as it seems that language chosen may be purposely vague and leave the door open to future expansion of this site.

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Attachment C on pg.4 of 5, section b states, “Prior to the issuance of a development order, the site plans must depict an access road to the adjacent Conservation 20/20 Lands to the west. ”



Wild Turkey Strand Preserve in Fort Myers is one of the sites purchased with public money under the Conservation 20/20 program.

(Photo: SPECIAL TO THE NEWS-PRESS)

Conservation 20/20 referendum approved by 84% of Lee County Voters, tied for first in nation for highest approval rate for parks and land acquisition efforts. *(Trust for Public Lands)*

Would the public have **access** to the Conservation 20/20 Land or will access be limited provisionally?

What would be the function or purpose of this **access** road?

Is this next access road also a “**conservation easement**” ?

If access is limited how would emergency services **access** road?

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In the application for the Sunshine Tower (communications tower located on subject property, SEZ2008-00013), staff recommended DENIAL due to tower design (stealth vs. monopole). On pg. 12 of the Application for the tower, Attachment F it states: “Lee County Environmental Sciences has reviewed the proposed request and noted that this was the first tower case, in a long time, that is actually near a wetland. Most of the recent cases have been in urbanized area. The proposed tower will be constructed in a DR/GR, so Staff was concerned about potential impacts during their review.”

On page 3 of the same application reference is made to the Lee County Comprehensive Plan Policy 1.4.5: “DR/GR areas include upland areas that provide substantial recharge to the aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.”

“Land uses in these areas must be compatible with maintaining surface and ground water levels at their historic levels.”

Proposal does not fully address concerns regarding elevation in event of flooding. The plan states that the building elevation will be built according to 100 year flood data, but no data has been provided. It is unclear what the actual proposed building elevation would be because this data has not been provided. It is unclear whether due to seasonal water inundation or 100 year flood data, whether or not 8% slope for trucks to access facility is possible on this proposed subject property.

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In the Traffic Impact Statement pg. 3, Section II, the site is “currently vacant”. In reality, the site is fenced, pasture land and is occupied by cattle. It is leased “prime agricultural land” currently in agricultural use.

According to the site plan the proposed boundaries are on the south side of Green Meadow Road. Incorporating the road into the site plan is misleading and is insufficient to mitigate impact to residences directly opposite facility and others. A roadway in no way mitigates the impact of this facility on the quality of life for adjacent residences and is not an acceptable “buffer” even in reference.

Procedurally, zoning notices were only posted on Tract B of the Subject Property, in the ditch and on a portion where no facilities are to be located.

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Under site guidelines from EPA document: *Waste Transfer Stations: A Manual for Decision-Making*, on page 14, exclusionary criteria include, even when allowed in preclusive sites that necessitate added engineering, construction techniques and associated cost as well as strong public opposition: wetlands and floodplains, endangered and protected flora and fauna habitats, protected sites of historical, archeological or cultural significance, prime agricultural land and parks and preserves.

In this site all of these preclusive criteria are present. Tract C is wetland, the remainder part of the DR/GR, a parcel was “swapped” from 20/20 land and severs Wild Turkey Preserve, a “historical” flow-way is impacted and the property is a corridor for panther traffic and migratory birds.

In Appendix A: State Transfer Station Regulations Subheading Siting Requirements, “Siting requirements could include prohibitions against siting in or near wetlands, floodplains, endangered species habitats, airports or other protected sites.” On pg. 15 subheading Addressing Cluster Zoning negative impacts on neighboring residents identified include, “increased traffic, noise, odors, and litter. **Communities need to address clustering and zoning issues at the local level through comprehensive planning that considers the aggregate effects of clustering certain activities and the equity in sharing community burdens.**” Further, “Other close or adjacent land uses should be examined to analyze cumulative impacts.”

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Special deviation due to proximity to airport requires specialized construction techniques, added engineering and associated costs including: modified pond bank slopes, littoral edge substitutions of vegetation that will not attract birds. These adjustments that may inhibit green infrastructure efficacy.

Procedurally, in original application Section K. the applicant failed to indicated Requirements for Airport Zones & Lee County Port Authority (LCPA)

- H. **Excavation ~~and~~ Blasting [34-202(b)(6)]**
 No blasting will be used in the excavation of lakes or other site elements.
 If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [34-202(b)(4)]**
 Not Applicable
 Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-203(d)]**
 Not Applicable
 Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
 Not Applicable
 Property is located within _____ Airport Noise Zone: [34-1004]
 Property is located within Airport Protection Zone. Indicate which Zone below. [34-1005]
 Property is located within Airport Runway Clear Zone: [34-1006]
 Property is located within Airport School Protection Zone: [34-1007]
 Property is located within Airport Residential Protection Zone: [34-1009]
 Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. [34-1009]
 A Tall Structures Permit is required. [34-1010]



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Environmental justice concerns detailed in the introduction of EPA guidance WTS include the disproportionate placement of waste transfer stations in minority and low-income areas and the development of “best practices”.

Locally, solid waste facilities are inequitably impacting agricultural properties when other options are available.

Further on pg. 11 Under subheading Environmental Justice Consideration “Overburdening a community with negative impact facilities can create health, environmental and quality of living concerns. It can also have a negative economic impact by lowering property values and hindering community revitalization plans.

Best practice recommendations including maximizing public participation, educating and providing outreach to the community. Informing the community should include public meeting, involving media outlets, paid advertising and engaging stakeholders directly in the process. Companion documents include *Waste Transfer stations, Involved Citizens Make the Difference, Sites for Our Solid Waste: A Guidebook for Effective Public Involvement* and *RCRA Public Participation Manual*, all detail integrating participation in site selection and development.

Procedurally, engaging stakeholders and public involvement efforts have been minimized with **NO** communications thru media channels with public initiated by applicant.

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Suggestions for addressing environmental justice/loss of property value:

- discount or free connection to services
- preferential employment
- compensation
- reduction of taxes

Site selection should include space for public education such as an education center.

Are these provisions to be addressed or does poor site selection and site limitations prevent public education considerations that would benefit the larger community?

What policies and which departments at the county level will address Environmental Justice concerns?

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Recommendations for site location include a recommendation to avoid a left-hand turn into the facility. All entrances from private Green Meadow Road are to the left. EPA guidelines in WTS suggest, “using right hand turns to enter and leave the station site and minimizing left turns to reduce congestion and the likelihood of accidents off site.”

Guidelines suggest eliminating sharp turns, such as at the curve on Alico approaching and onto Green Meadow from Corkscrew, and adding accelerating/decelerating lanes.

In WTS, Transfer Station Design and Operation pg. 22 Subheadings Road Entrances and Exits, traffic flow routes on site and queuing areas require investment and contingencies. The proposed plan does not resolve, fully address or adequate detail either.

Is there a contingency queuing plan for traffic (alternative location for holding trucks) when one of the many injurious accidents requiring investigation, often involving extensive clearing of road debris such as gravel or cement that regularly occur, inevitably happens ?

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Operational recommendations include removing all waste daily, frequently washing equipment of tipping areas daily and pre-treatment of leachate. Best practices should be implemented that reduce vectors, leachate control on trucks and daily inspections to contain litter, such as windblown debris and along roadway in surrounding community. Is there a formalized plan and what is the calculation for the amount of leachate to be pre-treated and ultimately how will be it disposed?

In Transfer Station Design and Operation pg. 33 subheading Interacting With the Public a community outreach plan should be developed and engage “neighbors” not just residents immediately adjacent, such as those impacted by traffic and surrounding community.

What are the plans for the development of such a plan to address this including education, communication, addressing public concerns, a possible website, hotline and/or civic engagement?

What is the plan to inform public and notify stakeholders about permitting issues with other agencies (FDEP, Army Corp, EPA, SWFWM) related to site selection for solid waste transfer and wastewater treatment public facilities going forward?